

Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

June 26, 1978

Present: Zielinski, Hannaford, Kulmala, Sauer, Young, Chaput

The Minutes of the June 12 meeting were amended to include some important points made during the Cluster Zoning presentations of Dawson and Nuckols--(1) that it will be a big job to convince the Town to give the Board power for varying use; and (2) although many towns have cluster zoning, few clusters are actually used and single-family clusters are rare. The Minutes were accepted as amended.

Thomas W. Falwell, of Combes & Newbury, representing Walter Smith, presented the problem of Smith's land off Parcel A on Virginia Farme (Sheet 20, Parcels 27 and 28, approximately 30 acres). Smith has been the owner since the early 1950's. When Virginia Farme was first proposed in 1968 and notices went out, Smith wrote asking for a right of way into his land. The Board at that time wrote Smith that it was the intent to reserve a 40' easement for future road construction, which easement would be given to the Town and is shown on the plan as Parcel A. In 1976 it was learned that the easement had not been taken by the town and the covenant of Tricon Homes had been released. Furthermore, the slope easement on Parcel 29 was not reserved at the time of deeding the property.

Falwell's questions to the Board included--(1) would Smith be able to build a road to access his property over the 40' easement should he ever decide to subdivide it and (2) if they are not able to obtain the slope easement by purchase, would the Board be willing to waive certain subdivision rules regarding grade and approach. Three sketches were shown, each showing alternatives for grading, retaining walls, side sloping, etc., if the missing slope easement cannot be obtained.

A recent letter from Neil Melone gave his opinion that since the 40' right of way was shown on a pre-1973 plan, it would not be in conflict with the present 50' right of way requirement. Mr. Smith and his representative were invited to return at our next meeting after members of the Board had had an opportunity to discuss this with Town Counsel.

Ted Whittemore appeared to ask the Board's opinion about two landlocked parcels owned by his family. It was pointed out that Parcel 18 (Sheet 29, 21 acres off Fiske Street) must be made into a valid building lot by acquiring 40' frontage on an accepted way; in order to split up the parcel, 40' frontage must be acquired for each planned lot; acquiring 50' frontage would allow a subdivision road. If frontage cannot be acquired, he could sell to abutters.

Regarding Parcel 10, Sheet 6, off Berry Corner Road, it seemed that there was no available way to acquire frontage. The cart path easement had become necessary for another lot and would not be available for legal frontage.

George Nickerson appeared to request drainage easement relocation for Hemlock Hill. This relocation to Lot 5 would use the natural swale (where the water was draining anyway) rather than disturb the land on Lot 6. Nickerson will get a letter from CVP stating their approval of the plan and will present it at the next meeting.

Re Hemlock Hill, it was reported that Tom Arnold has requested that we defer consideration of the release of Lot 20 which has not yet been requested.

Charles Orlando appeared to show the Board a plan which he intends to present under Approval Not Required for land on River Road showing Lot 1, 8.3 acres; Lot 2, 12.6 acres (9.5 in Carlisle and 3.1 in Concord); Lot 3, 12.15 acres; Lot 4, 5.54 acres; and Lot 5, containing the existing house, 7.00 acres; with Common Land A, 5.62 acres, and Common Land B, 0.22 acres. Ownership to the common land parcels will be held jointly, 1/5 to each of the 5 parcels. Vivian Chaput pointed out that some entity had to be formed to hold ownership and Orlando said they would probably form an association. A covenant is planned for maintenance of the land and the driveways. There are plans also to restrict the large lots from being subdivided into smaller lots.

It was seen that Common Land B was located on the two 40' strips which served as legal frontage for Lots 1 and 2 and should either be dropped or the frontage strips moved around it. Common Land A should be designated on the plan as not a legal building lot. The plan as drawn cannot be accepted until these changes are made.

Orlando, at the invitation of the Board, proceeded to explain his reason for use of the private common driveway approach instead of other approaches available. He presented several plans--one showing what the plan would look like with four private driveways accessing the lots; one showing what the plan would look like with a subdivision road and many two acre lots on the approximately 50 acres; a planting plan

showing what trees would have to come down and where planting of trees and shrubs was planned and also showing the turnouts which would be necessary for a 9 foot wide driveway; and a driveway layout plan showing wetlands, areas where topsoil will be removed, etc. It was pointed out that the long driveway serving Lot 3, although for maintenance purposes considered by Orlando as private from the point where it leaves the cart path, crosses two other lots and therefore for the purposes of the permit must be considered as a common driveway until it enters Lot 3.

Bob Zielinski presented suggested interim Procedural Rules for application for a driveway permit, pointing out that there are one or two cases which will be before us soon. The Rules were unanimously approved as amended.

Enforcement of conditions placed by the Board in granting a driveway permit once again cause much discussion. It was felt that if the Board requires the developer to have as part of his covenant specifications for driveway width, drainage, surface condition, etc., and those specifications are approved by the Board in granting the permit, then buyers would have recourse to the developer to demand that those specifications be met and subsequent owners would be on notice as to what level of maintenance would be their responsibility.

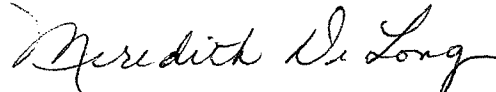
Two plans of land of Charbonneau on South Street (Valley-head) were presented under Approval Not Required. The plan for land on the north side was rejected for insufficient detail on Lot 13. The plan for land on the south side was signed.

After discussion regarding the Conant Land and the proposed DPW building, it was decided to recommend to the Board of Selectmen that the Town Meeting should be presented with a package plan to be accepted or rejected on its merits.

A preliminary plan of land of David Spaulding on Ember Lane, showing Lot 14A, 87,232 sq. ft., and dividing a 6-acre parcel into Lot 10B, 4/26 acres, and Lot 12A, 88,340 sq. ft., was presented. One lot line is to be redrawn to maintain the integrity of a stone wall. It was suggested that the lot number shown for an abutting parcel be removed so that the Board's approval of the plan, when it occurs, not seem to give approval of that lot.

Meeting adjourned at 12:15 a.m.

Respectfully submitted,



Meredith DeLong, Secretary